



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5041

Introduced 2/8/2024, by Rep. Mary Beth Canty

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Family Recovery Plans Implementation Task Force Act. Provides that it is the General Assembly's intent to require a coordinated, public health, and service-integrated response by various agencies within the State's health and child welfare systems to address the substance use treatment needs of infants born with prenatal substance exposure, as well as the treatment needs of their caregivers and families, by requiring the development, provision, and monitoring of family recovery plans. Creates the Family Recovery Plans Implementation Task Force within the Department of Human Services. Sets forth the duties of the Task Force, including reviewing models of family recovery plans that have been implemented in other states; and reviewing and developing recommendations to replace punitive policies with notification policies for health care professionals reporting a positive toxicology screen of a newborn. Contains provisions concerning Task Force membership, meetings, reporting requirements, and other matters. Amends the Abused and Neglected Child Reporting Act. Requires the Department of Children and Family Services to develop a standardized CAPTA notification form that is separate and distinct from the form for written confirmation reports of child abuse or neglect. Provides that a CAPTA notification shall not be treated as a report of suspected child abuse or neglect, shall not be recorded in the State Central Registry, and shall not be discoverable or admissible as evidence in any juvenile court or adoption proceeding unless the named party waives, in writing, his or her right to confidentiality. Repeals a provision requiring the Department to report to the State's Attorney every report of a newborn infant whose blood, urine, or meconium contains a prohibited controlled substance. Amends the Juvenile Court Act of 1987. Removes newborn infants whose blood, urine, or meconium contains any amount of a controlled substance from the list of children presumed neglected or abused under the Act. Makes corresponding changes to a provision listing the types of evidence that constitute prima facie evidence of neglect and to relevant provisions under the Adoption Act. Effective immediately, except that some parts take effect January 1, 2025.

LRB103 36588 KTG 66697 b

A BILL FOR

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Family  
5 Recovery Plans Implementation Task Force Act.

6 Section 5. Purpose and policy. It is the policy of this  
7 State to serve and advance the best interests and secure the  
8 safety and well-being of an infant with prenatal substance  
9 exposure, while preserving the family unit whenever the safety  
10 of the infant is not jeopardized.

11 It is the intent of the General Assembly to require a  
12 coordinated, public health, and service-integrated response by  
13 various agencies within this State's health and child welfare  
14 systems to address the substance use treatment needs of  
15 infants born with prenatal substance exposure, as well as the  
16 treatment needs of their caregivers and families, by requiring  
17 the development, provision, and monitoring of family recovery  
18 plans.

19 Section 10. Findings. The General Assembly finds the  
20 following:

21 (1) During pregnancy, substance use is a leading cause  
22 of maternal death and is associated with poor birth

1 outcomes, including fetal growth restriction, fetal death,  
2 and preterm labor.

3 (2) Pregnant people with substance use disorders are  
4 less likely to seek treatment or report substance use due  
5 to fear of criminalization, shame, and judgment; they may  
6 also avoid seeking care within the health care system due  
7 to fear of being reported to the child welfare system and  
8 subsequent removal of their children.

9 (3) The American College of Obstetrics and  
10 Gynecologists and the Illinois Perinatal Quality  
11 Collaborative recommend identifying pregnant people with  
12 substance use disorders through universal self-reporting  
13 screening, brief intervention, and referral to specialized  
14 care for treatment.

15 (4) Pregnant and parenting individuals with a  
16 substance use disorder should be encouraged to receive  
17 evidence-based treatment and not suffer punitive actions  
18 for starting or continuing treatment, including when  
19 medications for opioid use disorder are part of the  
20 treatment protocol.

21 (5) There is a pressing need for increasing access to  
22 evidence-based treatment for substance use disorders and  
23 supportive care for families, including the appropriate  
24 use of family needs assessments and family recovery plans.

25 (6) The cooperation and coordination of supportive  
26 services for pregnant, peripartum, and postpartum

1 individuals and families are essential to help newborns  
2 and children and to encourage and support treatment,  
3 recovery, and a safe and healthy environment for children  
4 and the family.

5 (7) There is a need for a coordinated, public health,  
6 and service-integrated response by various agencies in  
7 this State's health and child welfare systems to work  
8 together to ensure the safety and well-being of infants  
9 with prenatal substance exposure and pregnant and birthing  
10 people with substance use disorders by developing,  
11 implementing, and monitoring a family recovery plan  
12 approach that addresses the health and substance use  
13 treatment and recovery needs of the infant and affected  
14 family or caregiver.

15 Section 15. Composition. The Family Recovery Plan  
16 Implementation Task Force is created within the Department of  
17 Human Services and shall consist of members appointed as  
18 follows:

19 (1) The President of the Senate, or his or her  
20 designee, shall appoint: one member of the Senate; one  
21 member representing a statewide organization that  
22 advocates on behalf of community-based services for  
23 children and families; and one member from a statewide  
24 organization representing a majority of hospitals.

25 (2) The Senate Minority Leader, or his or her

1           designee, shall appoint: one member of the Senate; one  
2           member from an organization conducting quality improvement  
3           initiatives to improve perinatal health; one member with  
4           relevant lived experience, as recommended by a  
5           reproductive justice advocacy organization with expertise  
6           in perinatal and infant health and birth equity.

7           (3) The Speaker of the House of Representatives, or  
8           his or her designee, shall appoint: one member of the  
9           House of Representatives; one member who is a licensed  
10          obstetrician-gynecologist, as recommended by a statewide  
11          organization representing obstetricians and  
12          gynecologists; one member with relevant lived experience,  
13          as recommended by a reproductive justice advocacy  
14          organization with expertise in perinatal and infant health  
15          and birth equity.

16          (4) The House Minority Leader, or his or her designee,  
17          shall appoint: one member of the House of Representatives;  
18          one member who is a licensed physician specializing in  
19          child abuse and neglect, as recommended by a statewide  
20          organization representing pediatricians; and one member  
21          who is a licensed physician specializing in perinatal  
22          substance use disorder treatment, as recommended by a  
23          statewide organization representing physicians.

24          (5) The Director of Children and Family Services, or  
25          the Director's designee.

26          (6) The Secretary of Human Services, or the

1 Secretary's designee.

2 (7) The Director of Public Health, or the Director's  
3 designee.

4 (8) The Cook County Public Guardian, or the Cook  
5 County Public Guardian's designee.

6 Section 20. Meetings; co-chairs; administrative support.  
7 All members appointed under Section 15 shall serve without  
8 compensation. Task Force members shall be appointed within 60  
9 days after the effective date of this Act. The Task Force shall  
10 hold its initial meetings within 90 days after the effective  
11 date of this Act. The Task Force shall meet at least 4 times a  
12 year. A majority of the members of the Task Force shall  
13 constitute a quorum. The following individuals shall serve as  
14 co-chairs of the Task Force: (i) the physician specializing in  
15 perinatal substance use disorder treatment; and (ii) the  
16 physician specializing in child abuse and neglect. The  
17 Department of Human Services shall provide staff and any  
18 necessary administrative and other support to the Task Force.  
19 Any data provided by the Departments of Children and Family  
20 Services, Human Services, and Public Health to the Task Force  
21 shall not contain any personally identifiable information of  
22 any clients or families in accordance with applicable  
23 confidentiality laws. The Departments shall facilitate the  
24 prompt and timely collection and provision of data as  
25 requested by or on behalf of the Task Force.

1           The Task Force shall consult with an organization that  
2 provides technical assistance to State child welfare systems  
3 in developing and implementing the family recovery plans  
4 requirement of the federal Child Abuse and Prevention  
5 Treatment Act.

6           Section 25. Duties. The Task Force shall:

7           (1) review models of family recovery plans that have  
8 been implemented in other states;

9           (2) review research regarding implementation of family  
10 recovery plans care;

11           (3) develop recommendations regarding the  
12 implementation of a family recovery plan model in  
13 Illinois, including developing implementation,  
14 monitoring, and reporting plans and identifying any  
15 necessary policy, rule, or statutory changes, and  
16 identifying any additional healthcare service coverage and  
17 reimbursement that would facilitate access to care;

18           (4) review and develop recommendations to replace  
19 punitive policies with notification policies requiring  
20 health care professionals to notify the Department of  
21 Children and Family Services in accordance with Section 7  
22 of the Abused and Neglected Child Reporting Act and  
23 Section 106(b)(2)(B)(ii) of the Child Abuse Prevention and  
24 Treatment Act (Public Law 93-247) based solely on a  
25 positive toxicology screen of the newborn;

1           (5) solicit feedback from stakeholders and advocates  
2           to inform Task Force recommendations as necessary,  
3           including soliciting feedback from members with experience  
4           working in a hospital with licensed obstetrical beds and  
5           members with experience from a small and rural or critical  
6           access hospital with licensed obstetrical beds.

7           Section 30. Report. The Task Force shall produce and  
8           submit its recommendations to the General Assembly and the  
9           Governor within one year after the first meeting of the Task  
10          Force.

11          Section 35. Repeal. The Task Force is dissolved, and this  
12          Act is repealed on, January 1, 2027.

13          Section 105. The Abused and Neglected Child Reporting Act  
14          is amended by changing Section 3 and by adding Section 3.5 as  
15          follows:

16               (325 ILCS 5/3) (from Ch. 23, par. 2053)

17          Sec. 3. As used in this Act unless the context otherwise  
18          requires:

19               "Adult resident" means any person between 18 and 22 years  
20          of age who resides in any facility licensed by the Department  
21          under the Child Care Act of 1969. For purposes of this Act, the  
22          criteria set forth in the definitions of "abused child" and



1 "neglected child" shall be used in determining whether an  
2 adult resident is abused or neglected.

3 "Agency" means a child care facility licensed under  
4 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and  
5 includes a transitional living program that accepts children  
6 and adult residents for placement who are in the guardianship  
7 of the Department.

8 "Blatant disregard" means an incident where the real,  
9 significant, and imminent risk of harm would be so obvious to a  
10 reasonable parent or caretaker that it is unlikely that a  
11 reasonable parent or caretaker would have exposed the child to  
12 the danger without exercising precautionary measures to  
13 protect the child from harm. With respect to a person working  
14 at an agency in the person's professional capacity with a  
15 child or adult resident, "blatant disregard" includes a  
16 failure by the person to perform job responsibilities intended  
17 to protect the child's or adult resident's health, physical  
18 well-being, or welfare, and, when viewed in light of the  
19 surrounding circumstances, evidence exists that would cause a  
20 reasonable person to believe that the child was neglected.  
21 With respect to an agency, "blatant disregard" includes a  
22 failure to implement practices that ensure the health,  
23 physical well-being, or welfare of the children and adult  
24 residents residing in the facility.

25 "CAPTA notification" refers to notification to the  
26 Department of an infant who has been born and identified as

1 affected by prenatal substance exposure or a fetal alcohol  
2 spectrum disorder as required under the federal Child Abuse  
3 Prevention and Treatment Act.

4 "Child" means any person under the age of 18 years, unless  
5 legally emancipated by reason of marriage or entry into a  
6 branch of the United States armed services.

7 "Department" means Department of Children and Family  
8 Services.

9 "Local law enforcement agency" means the police of a city,  
10 town, village or other incorporated area or the sheriff of an  
11 unincorporated area or any sworn officer of the Illinois State  
12 Police.

13 "Abused child" means a child whose parent or immediate  
14 family member, or any person responsible for the child's  
15 welfare, or any individual residing in the same home as the  
16 child, or a paramour of the child's parent:

17 (a) inflicts, causes to be inflicted, or allows to be  
18 inflicted upon such child physical injury, by other than  
19 accidental means, which causes death, disfigurement,  
20 impairment of physical or emotional health, or loss or  
21 impairment of any bodily function;

22 (b) creates a substantial risk of physical injury to  
23 such child by other than accidental means which would be  
24 likely to cause death, disfigurement, impairment of  
25 physical or emotional health, or loss or impairment of any  
26 bodily function;

1           (c) commits or allows to be committed any sex offense  
2           against such child, as such sex offenses are defined in  
3           the Criminal Code of 2012 or in the Wrongs to Children Act,  
4           and extending those definitions of sex offenses to include  
5           children under 18 years of age;

6           (d) commits or allows to be committed an act or acts of  
7           torture upon such child;

8           (e) inflicts excessive corporal punishment or, in the  
9           case of a person working for an agency who is prohibited  
10          from using corporal punishment, inflicts corporal  
11          punishment upon a child or adult resident with whom the  
12          person is working in the person's professional capacity;

13          (f) commits or allows to be committed the offense of  
14          female genital mutilation, as defined in Section 12-34 of  
15          the Criminal Code of 2012, against the child;

16          (g) causes to be sold, transferred, distributed, or  
17          given to such child under 18 years of age, a controlled  
18          substance as defined in Section 102 of the Illinois  
19          Controlled Substances Act in violation of Article IV of  
20          the Illinois Controlled Substances Act or in violation of  
21          the Methamphetamine Control and Community Protection Act,  
22          except for controlled substances that are prescribed in  
23          accordance with Article III of the Illinois Controlled  
24          Substances Act and are dispensed to such child in a manner  
25          that substantially complies with the prescription;

26          (h) commits or allows to be committed the offense of

1 involuntary servitude, involuntary sexual servitude of a  
2 minor, or trafficking in persons as defined in Section  
3 10-9 of the Criminal Code of 2012 against the child; or

4 (i) commits the offense of grooming, as defined in  
5 Section 11-25 of the Criminal Code of 2012, against the  
6 child.

7 A child shall not be considered abused for the sole reason  
8 that the child has been relinquished in accordance with the  
9 Abandoned Newborn Infant Protection Act.

10 "Neglected child" means any child who is not receiving the  
11 proper or necessary nourishment or medically indicated  
12 treatment including food or care not provided solely on the  
13 basis of the present or anticipated mental or physical  
14 impairment as determined by a physician acting alone or in  
15 consultation with other physicians or otherwise is not  
16 receiving the proper or necessary support or medical or other  
17 remedial care recognized under State law as necessary for a  
18 child's well-being, or other care necessary for the child's  
19 well-being, including adequate food, clothing and shelter; or  
20 who is subjected to an environment which is injurious insofar  
21 as (i) the child's environment creates a likelihood of harm to  
22 the child's health, physical well-being, or welfare and (ii)  
23 the likely harm to the child is the result of a blatant  
24 disregard of parent, caretaker, person responsible for the  
25 child's welfare, or agency responsibilities; or who is  
26 abandoned by the child's parents or other person responsible

1 for the child's welfare without a proper plan of care; or who  
2 has been provided with interim crisis intervention services  
3 under Section 3-5 of the Juvenile Court Act of 1987 and whose  
4 parent, guardian, or custodian refuses to permit the child to  
5 return home and no other living arrangement agreeable to the  
6 parent, guardian, or custodian can be made, and the parent,  
7 guardian, or custodian has not made any other appropriate  
8 living arrangement for the child; or who is a newborn infant  
9 whose blood, urine, or meconium contains any amount of a  
10 controlled substance as defined in subsection (f) of Section  
11 102 of the Illinois Controlled Substances Act or a metabolite  
12 thereof, with the exception of a controlled substance or  
13 metabolite thereof whose presence in the newborn infant is the  
14 result of medical treatment administered to the person who  
15 gave birth or the newborn infant. A child shall not be  
16 considered neglected for the sole reason that the child's  
17 parent or other person responsible for the child's welfare has  
18 left the child in the care of an adult relative for any period  
19 of time. A child shall not be considered neglected for the sole  
20 reason that the child has been relinquished in accordance with  
21 the Abandoned Newborn Infant Protection Act. A child shall not  
22 be considered neglected or abused for the sole reason that  
23 such child's parent or other person responsible for the  
24 child's welfare depends upon spiritual means through prayer  
25 alone for the treatment or cure of disease or remedial care as  
26 provided under Section 4 of this Act. A child shall not be

1 considered neglected or abused solely because the child is not  
2 attending school in accordance with the requirements of  
3 Article 26 of The School Code, as amended.

4 "Child Protective Service Unit" means certain specialized  
5 State employees of the Department assigned by the Director to  
6 perform the duties and responsibilities as provided under  
7 Section 7.2 of this Act.

8 "Near fatality" means an act that, as certified by a  
9 physician, places the child in serious or critical condition,  
10 including acts of great bodily harm inflicted upon children  
11 under 13 years of age, and as otherwise defined by Department  
12 rule.

13 "Great bodily harm" includes bodily injury which creates a  
14 high probability of death, or which causes serious permanent  
15 disfigurement, or which causes a permanent or protracted loss  
16 or impairment of the function of any bodily member or organ, or  
17 other serious bodily harm.

18 "Person responsible for the child's welfare" means the  
19 child's parent; guardian; foster parent; relative caregiver;  
20 any person responsible for the child's welfare in a public or  
21 private residential agency or institution; any person  
22 responsible for the child's welfare within a public or private  
23 profit or not for profit child care facility; or any other  
24 person responsible for the child's welfare at the time of the  
25 alleged abuse or neglect, including any person who commits or  
26 allows to be committed, against the child, the offense of

1 involuntary servitude, involuntary sexual servitude of a  
2 minor, or trafficking in persons for forced labor or services,  
3 as provided in Section 10-9 of the Criminal Code of 2012,  
4 including, but not limited to, the custodian of the minor, or  
5 any person who came to know the child through an official  
6 capacity or position of trust, including, but not limited to,  
7 health care professionals, educational personnel, recreational  
8 supervisors, members of the clergy, and volunteers or support  
9 personnel in any setting where children may be subject to  
10 abuse or neglect.

11 "Temporary protective custody" means custody within a  
12 hospital or other medical facility or a place previously  
13 designated for such custody by the Department, subject to  
14 review by the Court, including a licensed foster home, group  
15 home, or other institution; but such place shall not be a jail  
16 or other place for the detention of criminal or juvenile  
17 offenders.

18 "An unfounded report" means any report made under this Act  
19 for which it is determined after an investigation that no  
20 credible evidence of abuse or neglect exists.

21 "An indicated report" means a report made under this Act  
22 if an investigation determines that credible evidence of the  
23 alleged abuse or neglect exists.

24 "An undetermined report" means any report made under this  
25 Act in which it was not possible to initiate or complete an  
26 investigation on the basis of information provided to the

1 Department.

2 "Subject of report" means any child reported to the  
3 central register of child abuse and neglect established under  
4 Section 7.7 of this Act as an alleged victim of child abuse or  
5 neglect and the parent or guardian of the alleged victim or  
6 other person responsible for the alleged victim's welfare who  
7 is named in the report or added to the report as an alleged  
8 perpetrator of child abuse or neglect.

9 "Perpetrator" means a person who, as a result of  
10 investigation, has been determined by the Department to have  
11 caused child abuse or neglect.

12 "Member of the clergy" means a clergyperson or  
13 practitioner of any religious denomination accredited by the  
14 religious body to which the clergyperson or practitioner  
15 belongs.

16 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;  
17 102-813, eff. 5-13-22; 103-22, eff. 8-8-23.)

18 (325 ILCS 5/3.5 new)

19 Sec. 3.5. CAPTA notification. The Department shall develop  
20 a standardized CAPTA notification form that is separate and  
21 distinct from the form for written confirmation reports of  
22 child abuse or neglect as described in Section 7 of this Act. A  
23 CAPTA notification shall not be treated as a report of  
24 suspected child abuse or neglect under this Act. CAPTA  
25 notifications shall not be recorded in the State Central



1 Registry and shall not be discoverable or admissible as  
2 evidence in any proceeding pursuant to the Juvenile Court Act  
3 of 1987 or the Adoption Act unless the named party waives his  
4 or her right to confidentiality in writing.

5 (325 ILCS 5/4.4 rep.)

6 Section 110. The Abused and Neglected Child Reporting Act  
7 is amended by repealing Section 4.4.

8 Section 115. The Juvenile Court Act of 1987 is amended by  
9 changing Sections 2-3 and 2-18 as follows:

10 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

11 Sec. 2-3. Neglected or abused minor.

12 (1) Those who are neglected include any minor under 18  
13 years of age or a minor 18 years of age or older for whom the  
14 court has made a finding of probable cause to believe that the  
15 minor is abused, neglected, or dependent under subsection (1)  
16 of Section 2-10 prior to the minor's 18th birthday:

17 (a) who is not receiving the proper or necessary  
18 support, education as required by law, or medical or other  
19 remedial care recognized under State law as necessary for  
20 a minor's well-being, or other care necessary for the  
21 minor's well-being, including adequate food, clothing, and  
22 shelter, or who is abandoned by the minor's parent or  
23 parents or other person or persons responsible for the

1 minor's welfare, except that a minor shall not be  
2 considered neglected for the sole reason that the minor's  
3 parent or parents or other person or persons responsible  
4 for the minor's welfare have left the minor in the care of  
5 an adult relative for any period of time, who the parent or  
6 parents or other person responsible for the minor's  
7 welfare know is both a mentally capable adult relative and  
8 physically capable adult relative, as defined by this Act;  
9 or

10 (b) whose environment is injurious to the minor's  
11 welfare; or

12 (c) (blank) ~~any newborn infant whose blood, urine, or~~  
13 ~~meconium contains any amount of a controlled substance as~~  
14 ~~defined in subsection (f) of Section 102 of the Illinois~~  
15 ~~Controlled Substances Act, as now or hereafter amended, or~~  
16 ~~a metabolite of a controlled substance, with the exception~~  
17 ~~of controlled substances or metabolites of such~~  
18 ~~substances, the presence of which in the newborn infant is~~  
19 ~~the result of medical treatment administered to the person~~  
20 ~~who gave birth or the newborn infant; or~~

21 (d) ~~any minor~~ whose parent or other person responsible  
22 for the minor's welfare leaves the minor without  
23 supervision for an unreasonable period of time without  
24 regard for the mental or physical health, safety, or  
25 welfare of that minor. Whether the minor was left without  
26 regard for the mental or physical health, safety, or

1 welfare of that minor or the period of time was  
2 unreasonable shall be determined by considering ~~the~~  
3 ~~following~~ factors, including, but not limited to, the  
4 following:

5 (1) the age of the minor;

6 (2) the number of minors left at the location;

7 (3) the special needs of the minor, including  
8 whether the minor is a person with a physical or mental  
9 disability, or is otherwise in need of ongoing  
10 prescribed medical treatment, such as periodic doses  
11 of insulin or other medications;

12 (4) the duration of time in which the minor was  
13 left without supervision;

14 (5) the condition and location of the place where  
15 the minor was left without supervision;

16 (6) the time of day or night when the minor was  
17 left without supervision;

18 (7) the weather conditions, including whether the  
19 minor was left in a location with adequate protection  
20 from the natural elements, such as adequate heat or  
21 light;

22 (8) the location of the parent or guardian at the  
23 time the minor was left without supervision and the  
24 physical distance the minor was from the parent or  
25 guardian at the time the minor was without  
26 supervision;

1           (9) whether the minor's movement was restricted~~7~~  
2           or the minor was otherwise locked within a room or  
3           other structure;

4           (10) whether the minor was given a phone number of  
5           a person or location to call in the event of an  
6           emergency and whether the minor was capable of making  
7           an emergency call;

8           (11) whether there was food and other provision  
9           left for the minor;

10          (12) whether any of the conduct is attributable to  
11          economic hardship or illness and the parent, guardian,l  
12          or other person having physical custody or control of  
13          the child made a good faith effort to provide for the  
14          health and safety of the minor;

15          (13) the age and physical and mental capabilities  
16          of the person or persons who provided supervision for  
17          the minor;

18          (14) whether the minor was left under the  
19          supervision of another person;

20          (15) any other factor that would endanger the  
21          health and safety of that particular minor; or

22          (e) ~~any minor~~ who has been provided with interim  
23          crisis intervention services under Section 3-5 of this Act  
24          and whose parent, guardian, or custodian refuses to permit  
25          the minor to return home unless the minor is an immediate  
26          physical danger to the minor or others living in the home.

1           A minor shall not be considered neglected for the sole  
2 reason that the minor has been relinquished in accordance with  
3 the Abandoned Newborn Infant Protection Act.

4           (1.5) A minor shall not be considered neglected for the  
5 sole reason that the minor's parent or other person  
6 responsible for the minor's welfare permits the minor to  
7 engage in independent activities unless the minor was  
8 permitted to engage in independent activities under  
9 circumstances presenting unreasonable risk of harm to the  
10 minor's mental or physical health, safety, or well-being.  
11 "Independent activities" includes, but is not limited to:

12           (a) traveling to and from school, including by  
13 walking, running, or bicycling;

14           (b) traveling to and from nearby commercial or  
15 recreational facilities;

16           (c) engaging in outdoor play;

17           (d) remaining in a vehicle unattended, except as  
18 otherwise provided by law;

19           (e) remaining at home or at a similarly appropriate  
20 location unattended; or

21           (f) engaging in a similar independent activity alone  
22 or with other children.

23           In determining whether an independent activity presented  
24 unreasonable risk of harm, the court shall consider:

25           (1) whether the activity is accepted as suitable for  
26 minors of the same age, maturity level, and developmental

1 capacity as the involved minor;

2 (2) the factors listed in items (1) through (15) of  
3 paragraph (d) of subsection (1); and

4 (3) any other factor the court deems relevant.

5 (2) Those who are abused include any minor under 18 years  
6 of age or a minor 18 years of age or older for whom the court  
7 has made a finding of probable cause to believe that the minor  
8 is abused, neglected, or dependent under subsection (1) of  
9 Section 2-10 prior to the minor's 18th birthday whose parent  
10 or immediate family member, or any person responsible for the  
11 minor's welfare, or any person who is in the same family or  
12 household as the minor, or any individual residing in the same  
13 home as the minor, or a paramour of the minor's parent:

14 (i) inflicts, causes to be inflicted, or allows to be  
15 inflicted upon such minor physical injury, by other than  
16 accidental means, which causes death, disfigurement,  
17 impairment of physical or emotional health, or loss or  
18 impairment of any bodily function;

19 (ii) creates a substantial risk of physical injury to  
20 such minor by other than accidental means which would be  
21 likely to cause death, disfigurement, impairment of  
22 emotional health, or loss or impairment of any bodily  
23 function;

24 (iii) commits or allows to be committed any sex  
25 offense against such minor, as such sex offenses are  
26 defined in the Criminal Code of 1961 or the Criminal Code

1 of 2012, or in the Wrongs to Children Act, and extending  
2 those definitions of sex offenses to include minors under  
3 18 years of age;

4 (iv) commits or allows to be committed an act or acts  
5 of torture upon such minor;

6 (v) inflicts excessive corporal punishment;

7 (vi) commits or allows to be committed the offense of  
8 involuntary servitude, involuntary sexual servitude of a  
9 minor, or trafficking in persons as defined in Section  
10 10-9 of the Criminal Code of 1961 or the Criminal Code of  
11 2012, upon such minor; or

12 (vii) allows, encourages, or requires a minor to  
13 commit any act of prostitution, as defined in the Criminal  
14 Code of 1961 or the Criminal Code of 2012, and extending  
15 those definitions to include minors under 18 years of age.

16 A minor shall not be considered abused for the sole reason  
17 that the minor has been relinquished in accordance with the  
18 Abandoned Newborn Infant Protection Act.

19 (3) This Section does not apply to a minor who would be  
20 included herein solely for the purpose of qualifying for  
21 financial assistance for the minor or the minor's parents,  
22 guardian, or custodian.

23 (4) The changes made by Public Act 101-79 ~~this amendatory~~  
24 ~~Act of the 101st General Assembly~~ apply to a case that is  
25 pending on or after July 12, 2019 (the effective date of Public  
26 Act 101-79) ~~this amendatory Act of the 101st General Assembly.~~

1           (5) The changes made by this amendatory Act of the 103rd  
2           General Assembly apply to a petition that is filed on or after  
3           January 1, 2025.

4           (Source: P.A. 103-22, eff. 8-8-23; 103-233, eff. 6-30-23;  
5           revised 8-30-23.)

6           (705 ILCS 405/2-18) (from Ch. 37, par. 802-18)

7           Sec. 2-18. Evidence.

8           (1) At the adjudicatory hearing, the court shall first  
9           consider only the question whether the minor is abused,  
10           neglected or dependent. The standard of proof and the rules of  
11           evidence in the nature of civil proceedings in this State are  
12           applicable to proceedings under this Article. If the petition  
13           also seeks the appointment of a guardian of the person with  
14           power to consent to adoption of the minor under Section 2-29,  
15           the court may also consider legally admissible evidence at the  
16           adjudicatory hearing that one or more grounds of unfitness  
17           exists under subdivision D of Section 1 of the Adoption Act.

18           (2) In any hearing under this Act, the following shall  
19           constitute prima facie evidence of abuse or neglect, as the  
20           case may be:

21           (a) proof that a minor has a medical diagnosis of  
22           battered child syndrome is prima facie evidence of abuse;

23           (b) proof that a minor has a medical diagnosis of  
24           failure to thrive syndrome is prima facie evidence of  
25           neglect;



1           (c) (blank) ~~proof that a minor has a medical diagnosis~~  
2 ~~of fetal alcohol syndrome is prima facie evidence of~~  
3 ~~neglect;~~

4           (d) (blank) ~~proof that a minor has a medical diagnosis~~  
5 ~~at birth of withdrawal symptoms from narcotics or~~  
6 ~~barbiturates is prima facie evidence of neglect;~~

7           (e) proof of injuries sustained by a minor or of the  
8 condition of a minor of such a nature as would ordinarily  
9 not be sustained or exist except by reason of the acts or  
10 omissions of the parent, custodian or guardian of such  
11 minor shall be prima facie evidence of abuse or neglect,  
12 as the case may be;

13           (f) proof that a parent, custodian or guardian of a  
14 minor repeatedly used a drug, to the extent that it has or  
15 would ordinarily have the effect of producing in the user  
16 a substantial state of stupor, unconsciousness,  
17 intoxication, hallucination, disorientation or  
18 incompetence, or a substantial impairment of judgment, or  
19 a substantial manifestation of irrationality, shall be  
20 prima facie evidence of neglect;

21           (g) proof that a parent, custodian, or guardian of a  
22 minor repeatedly used a controlled substance, as defined  
23 in subsection (f) of Section 102 of the Illinois  
24 Controlled Substances Act, in the presence of the minor or  
25 a sibling of the minor is prima facie evidence of neglect.  
26 "Repeated use", for the purpose of this subsection, means

1 more than one use of a controlled substance as defined in  
2 subsection (f) of Section 102 of the Illinois Controlled  
3 Substances Act;

4 (h) (blank) ~~proof that a newborn infant's blood,~~  
5 ~~urine, or meconium contains any amount of a controlled~~  
6 ~~substance as defined in subsection (f) of Section 102 of~~  
7 ~~the Illinois Controlled Substances Act, or a metabolite of~~  
8 ~~a controlled substance, with the exception of controlled~~  
9 ~~substances or metabolites of those substances, the~~  
10 ~~presence of which is the result of medical treatment~~  
11 ~~administered to the mother or the newborn, is prime facie~~  
12 ~~evidence of neglect;~~

13 (i) proof that a minor was present in a structure or  
14 vehicle in which the minor's parent, custodian, or  
15 guardian was involved in the manufacture of  
16 methamphetamine constitutes prima facie evidence of abuse  
17 and neglect;

18 (j) proof that a parent, custodian, or guardian of a  
19 minor allows, encourages, or requires a minor to perform,  
20 offer, or agree to perform any act of sexual penetration  
21 as defined in Section 11-0.1 of the Criminal Code of 2012  
22 for any money, property, token, object, or article or  
23 anything of value, or any touching or fondling of the sex  
24 organs of one person by another person, for any money,  
25 property, token, object, or article or anything of value,  
26 for the purpose of sexual arousal or gratification,

1 constitutes prima facie evidence of abuse and neglect;

2 (k) proof that a parent, custodian, or guardian of a  
3 minor commits or allows to be committed the offense of  
4 involuntary servitude, involuntary sexual servitude of a  
5 minor, or trafficking in persons as defined in Section  
6 10-9 of the Criminal Code of 1961 or the Criminal Code of  
7 2012, upon such minor, constitutes prima facie evidence of  
8 abuse and neglect.

9 (3) In any hearing under this Act, proof of the abuse,  
10 neglect or dependency of one minor shall be admissible  
11 evidence on the issue of the abuse, neglect or dependency of  
12 any other minor for whom the respondent is responsible.

13 (4) (a) Any writing, record, photograph or x-ray of any  
14 hospital or public or private agency, whether in the form of an  
15 entry in a book or otherwise, made as a memorandum or record of  
16 any condition, act, transaction, occurrence or event relating  
17 to a minor in an abuse, neglect or dependency proceeding,  
18 shall be admissible in evidence as proof of that condition,  
19 act, transaction, occurrence or event, if the court finds that  
20 the document was made in the regular course of the business of  
21 the hospital or agency at the time of the act, transaction,  
22 occurrence or event, or within a reasonable time thereafter. A  
23 certification by the head or responsible employee or agent of  
24 the hospital or agency having knowledge of the creation and  
25 maintenance of or of the matters stated in the writing,  
26 record, photograph or x-ray attesting that the document is the

1 full and complete record of the condition, act, transaction,  
2 occurrence or event and that it satisfies the conditions of  
3 this paragraph shall be prima facie evidence of the facts  
4 contained in such certification. All other circumstances of  
5 the making of the memorandum, record, photograph or x-ray,  
6 including lack of personal knowledge of the maker, may be  
7 proved to affect the weight to be accorded such evidence, but  
8 shall not affect its admissibility.

9 (b) Any indicated report filed pursuant to the Abused and  
10 Neglected Child Reporting Act shall be admissible in evidence.

11 (c) Previous statements made by the minor relating to any  
12 allegations of abuse or neglect shall be admissible in  
13 evidence. However, no such statement, if uncorroborated and  
14 not subject to cross-examination, shall be sufficient in  
15 itself to support a finding of abuse or neglect.

16 (d) There shall be a rebuttable presumption that a minor  
17 is competent to testify in abuse or neglect proceedings. The  
18 court shall determine how much weight to give to the minor's  
19 testimony, and may allow the minor to testify in chambers with  
20 only the court, the court reporter and attorneys for the  
21 parties present.

22 (e) The privileged character of communication between any  
23 professional person and patient or client, except privilege  
24 between attorney and client, shall not apply to proceedings  
25 subject to this Article.

26 (f) Proof of the impairment of emotional health or

1 impairment of mental or emotional condition as a result of the  
2 failure of the respondent to exercise a minimum degree of care  
3 toward a minor may include competent opinion or expert  
4 testimony, and may include proof that such impairment lessened  
5 during a period when the minor was in the care, custody or  
6 supervision of a person or agency other than the respondent.

7 (5) In any hearing under this Act alleging neglect for  
8 failure to provide education as required by law under  
9 subsection (1) of Section 2-3, proof that a minor under 13  
10 years of age who is subject to compulsory school attendance  
11 under the School Code is a chronic truant as defined under the  
12 School Code shall be prima facie evidence of neglect by the  
13 parent or guardian in any hearing under this Act and proof that  
14 a minor who is 13 years of age or older who is subject to  
15 compulsory school attendance under the School Code is a  
16 chronic truant shall raise a rebuttable presumption of neglect  
17 by the parent or guardian. This subsection (5) shall not apply  
18 in counties with 2,000,000 or more inhabitants.

19 (6) In any hearing under this Act, the court may take  
20 judicial notice of prior sworn testimony or evidence admitted  
21 in prior proceedings involving the same minor if (a) the  
22 parties were either represented by counsel at such prior  
23 proceedings or the right to counsel was knowingly waived and  
24 (b) the taking of judicial notice would not result in  
25 admitting hearsay evidence at a hearing where it would  
26 otherwise be prohibited.

1       (7) The changes made by this amendatory Act of the 103rd  
2       General Assembly apply to a petition that is filed on or after  
3       January 1, 2025.

4       (Source: P.A. 103-124, eff. 1-1-24.)

5           Section 120. The Adoption Act is amended by changing  
6       Section 1 as follows:

7           (750 ILCS 50/1) (from Ch. 40, par. 1501)

8           Sec. 1. Definitions. When used in this Act, unless the  
9       context otherwise requires:

10          A. "Child" means a person under legal age subject to  
11       adoption under this Act.

12          B. "Related child" means a child subject to adoption where  
13       either or both of the adopting parents stands in any of the  
14       following relationships to the child by blood, marriage,  
15       adoption, or civil union: parent, grand-parent,  
16       great-grandparent, brother, sister, step-parent,  
17       step-grandparent, step-brother, step-sister, uncle, aunt,  
18       great-uncle, great-aunt, first cousin, or second cousin. A  
19       person is related to the child as a first cousin or second  
20       cousin if they are both related to the same ancestor as either  
21       grandchild or great-grandchild. A child whose parent has  
22       executed a consent to adoption, a surrender, or a waiver  
23       pursuant to Section 10 of this Act or whose parent has signed a  
24       denial of paternity pursuant to Section 12 of the Vital

1 Records Act or Section 12a of this Act, or whose parent has had  
2 his or her parental rights terminated, is not a related child  
3 to that person, unless (1) the consent is determined to be void  
4 or is void pursuant to subsection O of Section 10 of this Act;  
5 or (2) the parent of the child executed a consent to adoption  
6 by a specified person or persons pursuant to subsection A-1 of  
7 Section 10 of this Act and a court of competent jurisdiction  
8 finds that such consent is void; or (3) the order terminating  
9 the parental rights of the parent is vacated by a court of  
10 competent jurisdiction.

11 C. "Agency" for the purpose of this Act means a public  
12 child welfare agency or a licensed child welfare agency.

13 D. "Unfit person" means any person whom the court shall  
14 find to be unfit to have a child, without regard to the  
15 likelihood that the child will be placed for adoption. The  
16 grounds of unfitness are any one or more of the following,  
17 except that a person shall not be considered an unfit person  
18 for the sole reason that the person has relinquished a child in  
19 accordance with the Abandoned Newborn Infant Protection Act:

20 (a) Abandonment of the child.

21 (a-1) Abandonment of a newborn infant in a hospital.

22 (a-2) Abandonment of a newborn infant in any setting  
23 where the evidence suggests that the parent intended to  
24 relinquish his or her parental rights.

25 (b) Failure to maintain a reasonable degree of  
26 interest, concern or responsibility as to the child's

1 welfare.

2 (c) Desertion of the child for more than 3 months next  
3 preceding the commencement of the Adoption proceeding.

4 (d) Substantial neglect of the child if continuous or  
5 repeated.

6 (d-1) Substantial neglect, if continuous or repeated,  
7 of any child residing in the household which resulted in  
8 the death of that child.

9 (e) Extreme or repeated cruelty to the child.

10 (f) There is a rebuttable presumption, which can be  
11 overcome only by clear and convincing evidence, that a  
12 parent is unfit if:

13 (1) Two or more findings of physical abuse have  
14 been entered regarding any children under Section 2-21  
15 of the Juvenile Court Act of 1987, the most recent of  
16 which was determined by the juvenile court hearing the  
17 matter to be supported by clear and convincing  
18 evidence; or

19 (2) The parent has been convicted or found not  
20 guilty by reason of insanity and the conviction or  
21 finding resulted from the death of any child by  
22 physical abuse; or

23 (3) There is a finding of physical child abuse  
24 resulting from the death of any child under Section  
25 2-21 of the Juvenile Court Act of 1987.

26 No conviction or finding of delinquency pursuant to



1 Article V of the Juvenile Court Act of 1987 shall be  
2 considered a criminal conviction for the purpose of  
3 applying any presumption under this item (f).

4 (g) Failure to protect the child from conditions  
5 within his environment injurious to the child's welfare.

6 (h) Other neglect of, or misconduct toward the child;  
7 provided that in making a finding of unfitness the court  
8 hearing the adoption proceeding shall not be bound by any  
9 previous finding, order or judgment affecting or  
10 determining the rights of the parents toward the child  
11 sought to be adopted in any other proceeding except such  
12 proceedings terminating parental rights as shall be had  
13 under either this Act, the Juvenile Court Act or the  
14 Juvenile Court Act of 1987.

15 (i) Depravity. Conviction of any one of the following  
16 crimes shall create a presumption that a parent is  
17 depraved which can be overcome only by clear and  
18 convincing evidence: (1) first degree murder in violation  
19 of paragraph (1) or (2) of subsection (a) of Section 9-1 of  
20 the Criminal Code of 1961 or the Criminal Code of 2012 or  
21 conviction of second degree murder in violation of  
22 subsection (a) of Section 9-2 of the Criminal Code of 1961  
23 or the Criminal Code of 2012 of a parent of the child to be  
24 adopted; (2) first degree murder or second degree murder  
25 of any child in violation of the Criminal Code of 1961 or  
26 the Criminal Code of 2012; (3) attempt or conspiracy to

1           commit first degree murder or second degree murder of any  
2           child in violation of the Criminal Code of 1961 or the  
3           Criminal Code of 2012; (4) solicitation to commit murder  
4           of any child, solicitation to commit murder of any child  
5           for hire, or solicitation to commit second degree murder  
6           of any child in violation of the Criminal Code of 1961 or  
7           the Criminal Code of 2012; (5) predatory criminal sexual  
8           assault of a child in violation of Section 11-1.40 or  
9           12-14.1 of the Criminal Code of 1961 or the Criminal Code  
10          of 2012; (6) heinous battery of any child in violation of  
11          the Criminal Code of 1961; (7) aggravated battery of any  
12          child in violation of the Criminal Code of 1961 or the  
13          Criminal Code of 2012; (8) any violation of Section  
14          11-1.20 or Section 12-13 of the Criminal Code of 1961 or  
15          the Criminal Code of 2012; (9) any violation of subsection  
16          (a) of Section 11-1.50 or Section 12-16 of the Criminal  
17          Code of 1961 or the Criminal Code of 2012; (10) any  
18          violation of Section 11-9.1 of the Criminal Code of 1961  
19          or the Criminal Code of 2012; (11) any violation of  
20          Section 11-9.1A of the Criminal Code of 1961 or the  
21          Criminal Code of 2012; or (12) an offense in any other  
22          state the elements of which are similar and bear a  
23          substantial relationship to any of the enumerated offenses  
24          in this subsection (i).

25                 There is a rebuttable presumption that a parent is  
26                 depraved if the parent has been criminally convicted of at

1 least 3 felonies under the laws of this State or any other  
2 state, or under federal law, or the criminal laws of any  
3 United States territory; and at least one of these  
4 convictions took place within 5 years of the filing of the  
5 petition or motion seeking termination of parental rights.

6 There is a rebuttable presumption that a parent is  
7 deprived if that parent has been criminally convicted of  
8 either first or second degree murder of any person as  
9 defined in the Criminal Code of 1961 or the Criminal Code  
10 of 2012 within 10 years of the filing date of the petition  
11 or motion to terminate parental rights.

12 No conviction or finding of delinquency pursuant to  
13 Article 5 of the Juvenile Court Act of 1987 shall be  
14 considered a criminal conviction for the purpose of  
15 applying any presumption under this item (i).

16 (j) Open and notorious adultery or fornication.

17 (j-1) (Blank).

18 (k) Habitual drunkenness or addiction to drugs, other  
19 than those prescribed by a physician, for at least one  
20 year immediately prior to the commencement of the  
21 unfitness proceeding.

22 ~~There is a rebuttable presumption that a parent is~~  
23 ~~unfit under this subsection with respect to any child to~~  
24 ~~which that parent gives birth where there is a confirmed~~  
25 ~~test result that at birth the child's blood, urine, or~~  
26 ~~meconium contained any amount of a controlled substance as~~

1 ~~defined in subsection (f) of Section 102 of the Illinois~~  
2 ~~Controlled Substances Act or metabolites of such~~  
3 ~~substances, the presence of which in the newborn infant~~  
4 ~~was not the result of medical treatment administered to~~  
5 ~~the mother or the newborn infant; and the biological~~  
6 ~~mother of this child is the biological mother of at least~~  
7 ~~one other child who was adjudicated a neglected minor~~  
8 ~~under subsection (c) of Section 2-3 of the Juvenile Court~~  
9 ~~Act of 1987.~~

10 (l) Failure to demonstrate a reasonable degree of  
11 interest, concern or responsibility as to the welfare of a  
12 new born child during the first 30 days after its birth.

13 (m) Failure by a parent (i) to make reasonable efforts  
14 to correct the conditions that were the basis for the  
15 removal of the child from the parent during any 9-month  
16 period following the adjudication of neglected or abused  
17 minor under Section 2-3 of the Juvenile Court Act of 1987  
18 or dependent minor under Section 2-4 of that Act, or (ii)  
19 to make reasonable progress toward the return of the child  
20 to the parent during any 9-month period following the  
21 adjudication of neglected or abused minor under Section  
22 2-3 of the Juvenile Court Act of 1987 or dependent minor  
23 under Section 2-4 of that Act. If a service plan has been  
24 established as required under Section 8.2 of the Abused  
25 and Neglected Child Reporting Act to correct the  
26 conditions that were the basis for the removal of the

1 child from the parent and if those services were  
2 available, then, for purposes of this Act, "failure to  
3 make reasonable progress toward the return of the child to  
4 the parent" includes the parent's failure to substantially  
5 fulfill his or her obligations under the service plan and  
6 correct the conditions that brought the child into care  
7 during any 9-month period following the adjudication under  
8 Section 2-3 or 2-4 of the Juvenile Court Act of 1987.  
9 Notwithstanding any other provision, when a petition or  
10 motion seeks to terminate parental rights on the basis of  
11 item (ii) of this subsection (m), the petitioner shall  
12 file with the court and serve on the parties a pleading  
13 that specifies the 9-month period or periods relied on.  
14 The pleading shall be filed and served on the parties no  
15 later than 3 weeks before the date set by the court for  
16 closure of discovery, and the allegations in the pleading  
17 shall be treated as incorporated into the petition or  
18 motion. Failure of a respondent to file a written denial  
19 of the allegations in the pleading shall not be treated as  
20 an admission that the allegations are true.

21 (m-1) (Blank).

22 (n) Evidence of intent to forgo his or her parental  
23 rights, whether or not the child is a ward of the court,  
24 (1) as manifested by his or her failure for a period of 12  
25 months: (i) to visit the child, (ii) to communicate with  
26 the child or agency, although able to do so and not

1 prevented from doing so by an agency or by court order, or  
2 (iii) to maintain contact with or plan for the future of  
3 the child, although physically able to do so, or (2) as  
4 manifested by the father's failure, where he and the  
5 mother of the child were unmarried to each other at the  
6 time of the child's birth, (i) to commence legal  
7 proceedings to establish his paternity under the Illinois  
8 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
9 or the law of the jurisdiction of the child's birth within  
10 30 days of being informed, pursuant to Section 12a of this  
11 Act, that he is the father or the likely father of the  
12 child or, after being so informed where the child is not  
13 yet born, within 30 days of the child's birth, or (ii) to  
14 make a good faith effort to pay a reasonable amount of the  
15 expenses related to the birth of the child and to provide a  
16 reasonable amount for the financial support of the child,  
17 the court to consider in its determination all relevant  
18 circumstances, including the financial condition of both  
19 parents; provided that the ground for termination provided  
20 in this subparagraph (n)(2)(ii) shall only be available  
21 where the petition is brought by the mother or the husband  
22 of the mother.

23 Contact or communication by a parent with his or her  
24 child that does not demonstrate affection and concern does  
25 not constitute reasonable contact and planning under  
26 subdivision (n). In the absence of evidence to the

1 contrary, the ability to visit, communicate, maintain  
2 contact, pay expenses and plan for the future shall be  
3 presumed. The subjective intent of the parent, whether  
4 expressed or otherwise, unsupported by evidence of the  
5 foregoing parental acts manifesting that intent, shall not  
6 preclude a determination that the parent has intended to  
7 forgo his or her parental rights. In making this  
8 determination, the court may consider but shall not  
9 require a showing of diligent efforts by an authorized  
10 agency to encourage the parent to perform the acts  
11 specified in subdivision (n).

12 It shall be an affirmative defense to any allegation  
13 under paragraph (2) of this subsection that the father's  
14 failure was due to circumstances beyond his control or to  
15 impediments created by the mother or any other person  
16 having legal custody. Proof of that fact need only be by a  
17 preponderance of the evidence.

18 (o) Repeated or continuous failure by the parents,  
19 although physically and financially able, to provide the  
20 child with adequate food, clothing, or shelter.

21 (p) Inability to discharge parental responsibilities  
22 supported by competent evidence from a psychiatrist,  
23 licensed clinical social worker, or clinical psychologist  
24 of mental impairment, mental illness or an intellectual  
25 disability as defined in Section 1-116 of the Mental  
26 Health and Developmental Disabilities Code, or

1 developmental disability as defined in Section 1-106 of  
2 that Code, and there is sufficient justification to  
3 believe that the inability to discharge parental  
4 responsibilities shall extend beyond a reasonable time  
5 period. However, this subdivision (p) shall not be  
6 construed so as to permit a licensed clinical social  
7 worker to conduct any medical diagnosis to determine  
8 mental illness or mental impairment.

9 (q) (Blank).

10 (r) The child is in the temporary custody or  
11 guardianship of the Department of Children and Family  
12 Services, the parent is incarcerated as a result of  
13 criminal conviction at the time the petition or motion for  
14 termination of parental rights is filed, prior to  
15 incarceration the parent had little or no contact with the  
16 child or provided little or no support for the child, and  
17 the parent's incarceration will prevent the parent from  
18 discharging his or her parental responsibilities for the  
19 child for a period in excess of 2 years after the filing of  
20 the petition or motion for termination of parental rights.

21 (s) The child is in the temporary custody or  
22 guardianship of the Department of Children and Family  
23 Services, the parent is incarcerated at the time the  
24 petition or motion for termination of parental rights is  
25 filed, the parent has been repeatedly incarcerated as a  
26 result of criminal convictions, and the parent's repeated



1           incarceration has prevented the parent from discharging  
2           his or her parental responsibilities for the child.

3           (t) (Blank). ~~A finding that at birth the child's~~  
4           ~~blood, urine, or meconium contained any amount of a~~  
5           ~~controlled substance as defined in subsection (f) of~~  
6           ~~Section 102 of the Illinois Controlled Substances Act, or~~  
7           ~~a metabolite of a controlled substance, with the exception~~  
8           ~~of controlled substances or metabolites of such~~  
9           ~~substances, the presence of which in the newborn infant~~  
10           ~~was the result of medical treatment administered to the~~  
11           ~~mother or the newborn infant, and that the biological~~  
12           ~~mother of this child is the biological mother of at least~~  
13           ~~one other child who was adjudicated a neglected minor~~  
14           ~~under subsection (c) of Section 2-3 of the Juvenile Court~~  
15           ~~Act of 1987, after which the biological mother had the~~  
16           ~~opportunity to enroll in and participate in a clinically~~  
17           ~~appropriate substance abuse counseling, treatment, and~~  
18           ~~rehabilitation program.~~

19           E. "Parent" means a person who is the legal mother or legal  
20           father of the child as defined in subsection X or Y of this  
21           Section. For the purpose of this Act, a parent who has executed  
22           a consent to adoption, a surrender, or a waiver pursuant to  
23           Section 10 of this Act, who has signed a Denial of Paternity  
24           pursuant to Section 12 of the Vital Records Act or Section 12a  
25           of this Act, or whose parental rights have been terminated by a  
26           court, is not a parent of the child who was the subject of the

1 consent, surrender, waiver, or denial unless (1) the consent  
2 is void pursuant to subsection O of Section 10 of this Act; or  
3 (2) the person executed a consent to adoption by a specified  
4 person or persons pursuant to subsection A-1 of Section 10 of  
5 this Act and a court of competent jurisdiction finds that the  
6 consent is void; or (3) the order terminating the parental  
7 rights of the person is vacated by a court of competent  
8 jurisdiction.

9 F. A person is available for adoption when the person is:

10 (a) a child who has been surrendered for adoption to  
11 an agency and to whose adoption the agency has thereafter  
12 consented;

13 (b) a child to whose adoption a person authorized by  
14 law, other than his parents, has consented, or to whose  
15 adoption no consent is required pursuant to Section 8 of  
16 this Act;

17 (c) a child who is in the custody of persons who intend  
18 to adopt him through placement made by his parents;

19 (c-1) a child for whom a parent has signed a specific  
20 consent pursuant to subsection O of Section 10;

21 (d) an adult who meets the conditions set forth in  
22 Section 3 of this Act; or

23 (e) a child who has been relinquished as defined in  
24 Section 10 of the Abandoned Newborn Infant Protection Act.

25 A person who would otherwise be available for adoption  
26 shall not be deemed unavailable for adoption solely by reason

1 of his or her death.

2 G. The singular includes the plural and the plural  
3 includes the singular and the "male" includes the "female", as  
4 the context of this Act may require.

5 H. (Blank).

6 I. "Habitual residence" has the meaning ascribed to it in  
7 the federal Intercountry Adoption Act of 2000 and regulations  
8 promulgated thereunder.

9 J. "Immediate relatives" means the biological parents, the  
10 parents of the biological parents and siblings of the  
11 biological parents.

12 K. "Intercountry adoption" is a process by which a child  
13 from a country other than the United States is adopted by  
14 persons who are habitual residents of the United States, or  
15 the child is a habitual resident of the United States who is  
16 adopted by persons who are habitual residents of a country  
17 other than the United States.

18 L. (Blank).

19 M. "Interstate Compact on the Placement of Children" is a  
20 law enacted by all states and certain territories for the  
21 purpose of establishing uniform procedures for handling the  
22 interstate placement of children in foster homes, adoptive  
23 homes, or other child care facilities.

24 N. (Blank).

25 O. "Preadoption requirements" means any conditions or  
26 standards established by the laws or administrative rules of

1 this State that must be met by a prospective adoptive parent  
2 prior to the placement of a child in an adoptive home.

3 P. "Abused child" means a child whose parent or immediate  
4 family member, or any person responsible for the child's  
5 welfare, or any individual residing in the same home as the  
6 child, or a paramour of the child's parent:

7 (a) inflicts, causes to be inflicted, or allows to be  
8 inflicted upon the child physical injury, by other than  
9 accidental means, that causes death, disfigurement,  
10 impairment of physical or emotional health, or loss or  
11 impairment of any bodily function;

12 (b) creates a substantial risk of physical injury to  
13 the child by other than accidental means which would be  
14 likely to cause death, disfigurement, impairment of  
15 physical or emotional health, or loss or impairment of any  
16 bodily function;

17 (c) commits or allows to be committed any sex offense  
18 against the child, as sex offenses are defined in the  
19 Criminal Code of 2012 and extending those definitions of  
20 sex offenses to include children under 18 years of age;

21 (d) commits or allows to be committed an act or acts of  
22 torture upon the child; or

23 (e) inflicts excessive corporal punishment.

24 Q. "Neglected child" means any child whose parent or other  
25 person responsible for the child's welfare withholds or denies  
26 nourishment or medically indicated treatment including food or

1 care denied solely on the basis of the present or anticipated  
2 mental or physical impairment as determined by a physician  
3 acting alone or in consultation with other physicians or  
4 otherwise does not provide the proper or necessary support,  
5 education as required by law, or medical or other remedial  
6 care recognized under State law as necessary for a child's  
7 well-being, or other care necessary for his or her well-being,  
8 including adequate food, clothing and shelter; or who is  
9 abandoned by his or her parents or other person responsible  
10 for the child's welfare.

11 A child shall not be considered neglected or abused for  
12 the sole reason that the child's parent or other person  
13 responsible for his or her welfare depends upon spiritual  
14 means through prayer alone for the treatment or cure of  
15 disease or remedial care as provided under Section 4 of the  
16 Abused and Neglected Child Reporting Act. A child shall not be  
17 considered neglected or abused for the sole reason that the  
18 child's parent or other person responsible for the child's  
19 welfare failed to vaccinate, delayed vaccination, or refused  
20 vaccination for the child due to a waiver on religious or  
21 medical grounds as permitted by law.

22 R. "Putative father" means a man who may be a child's  
23 father, but who (1) is not married to the child's mother on or  
24 before the date that the child was or is to be born and (2) has  
25 not established paternity of the child in a court proceeding  
26 before the filing of a petition for the adoption of the child.

1 The term includes a male who is less than 18 years of age.  
2 "Putative father" does not mean a man who is the child's father  
3 as a result of criminal sexual abuse or assault as defined  
4 under Article 11 of the Criminal Code of 2012.

5 S. "Standby adoption" means an adoption in which a parent  
6 consents to custody and termination of parental rights to  
7 become effective upon the occurrence of a future event, which  
8 is either the death of the parent or the request of the parent  
9 for the entry of a final judgment of adoption.

10 T. (Blank).

11 T-5. "Biological parent", "birth parent", or "natural  
12 parent" of a child are interchangeable terms that mean a  
13 person who is biologically or genetically related to that  
14 child as a parent.

15 U. "Interstate adoption" means the placement of a minor  
16 child with a prospective adoptive parent for the purpose of  
17 pursuing an adoption for that child that is subject to the  
18 provisions of the Interstate Compact on the Placement of  
19 Children.

20 V. (Blank).

21 W. (Blank).

22 X. "Legal father" of a child means a man who is recognized  
23 as or presumed to be that child's father:

24 (1) because of his marriage to or civil union with the  
25 child's parent at the time of the child's birth or within  
26 300 days prior to that child's birth, unless he signed a

1 denial of paternity pursuant to Section 12 of the Vital  
2 Records Act or a waiver pursuant to Section 10 of this Act;  
3 or

4 (2) because his paternity of the child has been  
5 established pursuant to the Illinois Parentage Act, the  
6 Illinois Parentage Act of 1984, or the Gestational  
7 Surrogacy Act; or

8 (3) because he is listed as the child's father or  
9 parent on the child's birth certificate, unless he is  
10 otherwise determined by an administrative or judicial  
11 proceeding not to be the parent of the child or unless he  
12 rescinds his acknowledgment of paternity pursuant to the  
13 Illinois Parentage Act of 1984; or

14 (4) because his paternity or adoption of the child has  
15 been established by a court of competent jurisdiction.

16 The definition in this subsection X shall not be construed  
17 to provide greater or lesser rights as to the number of parents  
18 who can be named on a final judgment order of adoption or  
19 Illinois birth certificate that otherwise exist under Illinois  
20 law.

21 Y. "Legal mother" of a child means a woman who is  
22 recognized as or presumed to be that child's mother:

23 (1) because she gave birth to the child except as  
24 provided in the Gestational Surrogacy Act; or

25 (2) because her maternity of the child has been  
26 established pursuant to the Illinois Parentage Act of 1984

1 or the Gestational Surrogacy Act; or

2 (3) because her maternity or adoption of the child has  
3 been established by a court of competent jurisdiction; or

4 (4) because of her marriage to or civil union with the  
5 child's other parent at the time of the child's birth or  
6 within 300 days prior to the time of birth; or

7 (5) because she is listed as the child's mother or  
8 parent on the child's birth certificate unless she is  
9 otherwise determined by an administrative or judicial  
10 proceeding not to be the parent of the child.

11 The definition in this subsection Y shall not be construed  
12 to provide greater or lesser rights as to the number of parents  
13 who can be named on a final judgment order of adoption or  
14 Illinois birth certificate that otherwise exist under Illinois  
15 law.

16 Z. "Department" means the Illinois Department of Children  
17 and Family Services.

18 AA. "Placement disruption" means a circumstance where the  
19 child is removed from an adoptive placement before the  
20 adoption is finalized.

21 BB. "Secondary placement" means a placement, including but  
22 not limited to the placement of a youth in care as defined in  
23 Section 4d of the Children and Family Services Act, that  
24 occurs after a placement disruption or an adoption  
25 dissolution. "Secondary placement" does not mean secondary  
26 placements arising due to the death of the adoptive parent of



1 the child.

2 CC. "Adoption dissolution" means a circumstance where the  
3 child is removed from an adoptive placement after the adoption  
4 is finalized.

5 DD. "Unregulated placement" means the secondary placement  
6 of a child that occurs without the oversight of the courts, the  
7 Department, or a licensed child welfare agency.

8 EE. "Post-placement and post-adoption support services"  
9 means support services for placed or adopted children and  
10 families that include, but are not limited to, mental health  
11 treatment, including counseling and other support services for  
12 emotional, behavioral, or developmental needs, and treatment  
13 for substance abuse.

14 FF. "Youth in care" has the meaning provided in Section 4d  
15 of the Children and Family Services Act.

16 The changes made by this amendatory Act of the 103rd  
17 General Assembly apply to a petition that is filed on or after  
18 January 1, 2025.

19 (Source: P.A. 101-155, eff. 1-1-20; 101-529, eff. 1-1-20;  
20 102-139, eff. 1-1-22; 102-558, eff. 8-20-21.)

21 Section 999. Effective date. This Section, Sections 1  
22 through 35, Section 105, and Section 110 take effect upon  
23 becoming law.

1		INDEX
2		Statutes amended in order of appearance
3	New Act	
4	325 ILCS 5/3	from Ch. 23, par. 2053
5	325 ILCS 5/3.5 new	
6	325 ILCS 5/4.4 rep.	
7	705 ILCS 405/2-3	from Ch. 37, par. 802-3
8	705 ILCS 405/2-18	from Ch. 37, par. 802-18
9	750 ILCS 50/1	from Ch. 40, par. 1501